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U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

DP CREATIONS, LLC dba BOUNTIFUL
BABY,

Plaintiff,

v.

REBORN BABY WORLD; SHENZHEN
QIANHAI TOPOLOGY INFORMATION
TECHNOLOGY CO., LTD.,

Defendants.

**CONSENT JUDGMENT AND
PERMANENT INJUNCTION**

Case No. 2:21-cv-00088-JNP-JCB

District Judge Jill N. Parrish
Magistrate Judge Jared C. Bennett

Before the court is the parties' Stipulated Motion for Disbursal of Funds, Entry of Consent Judgment, and Dismissal with Prejudice (the "Stipulated Motion"). ECF No. 54. Based upon the Stipulated Motion, and for good cause shown, the court makes the following findings of fact and conclusions of law:

FINDINGS AND CONCLUSIONS

1. The court incorporates and confirms the findings of fact and conclusions of law from the court's Order Granting Plaintiff's *Ex Parte* Motion for a Temporary Restraining Order and Asset Freeze (ECF No. 10) and the court's Preliminary Injunction (ECF No. 22).

THE PARTIES

2. Plaintiff DP Creations, LLC dba Bountiful Baby ("Bountiful Baby" or "Plaintiff") is a Utah limited liability company with a principal place of business at 2140 South 3600 West, West Valley City, Utah 84119. Bountiful Baby does business in the District of Utah, has numerous

employees and customers in the District of Utah, and has suffered injury in the District of Utah.

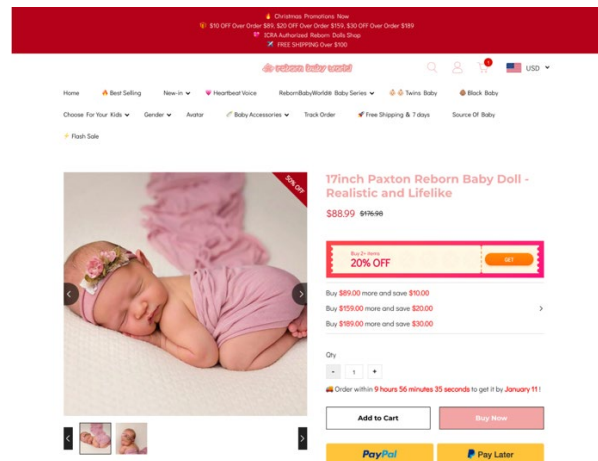
3. Defendants Reborn Baby World (“RBW”) and Shenzhen Qianhai Topology Information Technology Co., Ltd. (“Shenzhen Topology”) (collectively, “Defendants”) operated a website at the URL www.RebornBabyWorld.com and accepted payment for goods sold at that website through PayPal account number *****9604.

4. Defendants’ products are not affiliated with Bountiful Baby but are apparently counterfeit copies of genuine Bountiful Baby products and were unauthorized reproductions of Plaintiff’s copyrighted images. Plaintiff alleged in its Complaint that the Defendants’ products were unauthorized reproductions of its own products, as shown in the exemplary images below:

Bountiful Baby Copyrighted Image



Defendants’ Product Listing



JURISDICTION AND VENUE

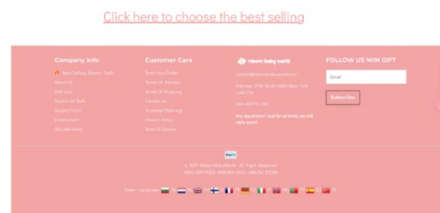
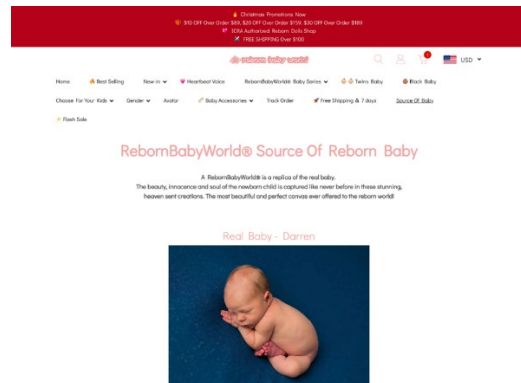
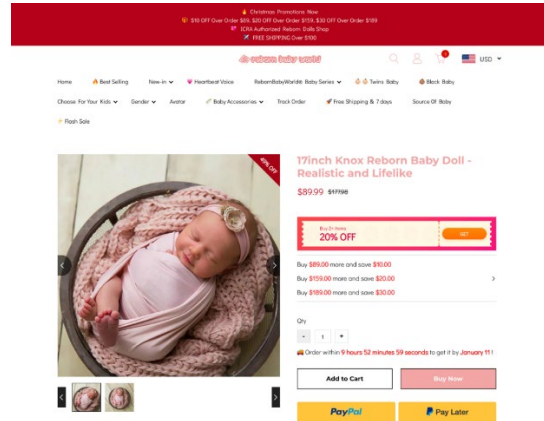
5. The Defendants do not dispute that jurisdiction and venue are proper in this district.

BACKGROUND

6. Bountiful Baby is the owner of U.S. Copyright Registration Nos. VA0002231276

and VA0002231278 (the “Bountiful Baby Copyrights”). (See Complaint, Exs. A, B.) Bountiful Baby’s copyrighted images and the Defendants’ product listings are shown below.

Bountiful Baby Copyrighted Image	Allegedly Infringing Listings at www.rebornbabyworld.com
	
	



7. In addition, the parties agree that the Defendants made certain representations and advertisements regarding a connection between themselves and Bountiful Baby that were not accurate, including the following:

- (1) RebornBabyWorld.com dolls come from a toy studio in Utah.
- (2) Defendants' headquarters are located at 2150 South 3600 West, Salt Lake City, Utah 84119 USA.
- (3) Defendants' address is 2150 South 3600 West, Salt Lake City, Utah 84119 USA.
- (4) Defendants made unauthorized copies of photographs of Bountiful Baby's Utah manufacturing facility on their website.

PERMANENT INJUNCTION

8. Defendants, their officers, agents, servants, employees, and all persons acting in active concert or participation with them who receive actual notice of this injunction by personal service or otherwise, are hereby permanently enjoined as follows:

- a. Defendants are enjoined from producing, reproducing, distributing, copying, or using any graphic or pictorial representation protected by the Bountiful Baby Copyright Registration Nos. VA0002231276 and VA0002231278, or any substantially similar variation thereof, in connection with any product, packaging, product listing, or any other product sale.
- b. Defendants are enjoined from making any false representation regarding their connection to the State of Utah, their connection to Bountiful Baby, the location of their toy studio in the State of Utah, or any other false or misleading representation regarding the State of Utah and Bountiful Baby in connection with any product,

packaging, product listing, domain name, business name, or any other form of product identification.

- c. Defendants are enjoined from making any false or misleading representation in violation of Utah's Truth in Advertising Act, including (a) any representations that pass off their goods and services as those of Bountiful Baby, which causes a likelihood of confusion or misunderstanding; (b) causes a likelihood of confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services; (c) causes likelihood of confusion or misunderstanding as to affiliation, connection, association with, or certification by Bountiful Baby; or (d) using any deceptive representations or designations of geographic origin in connection with their goods or services, in connection with any product, packaging, product listing, domain name, business name, or any other form of product identification.

9. All parties shall bear their respective attorneys' fees and costs. The terms of the Settlement Agreement between the parties and this Judgment are to be construed together.

10. The court shall maintain jurisdiction over this action for purposes of enforcement of this Consent Judgment and Permanent Injunction between Plaintiff and Defendants.

DATED August 6, 2021.

BY THE COURT



Jill N. Parrish
United States District Court Judge